

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEVEN HIRSCH

Plaintiff,

Docket No. \_\_\_\_\_

-against-

JURY TRIAL DEMANDED

IRISHCENTRAL, LLC

Defendant.

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**COMPLAINT**

Plaintiff Steven Hirsch (“Hirsch” or Plaintiff”) by and through its undersigned counsel, for its Complaint against defendant IrishCentral, LLC (“Irish” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of Jeremy Wilson owned and registered by Hirsch, a New York based photojournalist. Accordingly, Hirsch seeks injunctive and monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the provisions of the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338 (a).

3. This Court has personal jurisdiction over the Defendant because Defendant reside in and/or are doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. §1391 (b).

### **PARTIES**

5. Hirsch is a professional photojournalist in the business of licensing his photographs to online, print, and television stations for a fee, having a usual place of business at 280 East 10<sup>th</sup> Street, Apt. 29, New York, NY 10009. Hirsch's work has appeared in numerous publications including The New York Times, The Wall Street Journal, The Paris Review, New York Review of Books, Paris Match, Time, Wired, Vice, Print, The Huffington Post, The Atlantic and Stern. He has taught at the International Center of Photography, The New School, Parsons School of Design, The School of Visual Arts, New York University and Pratt Institute. Hirsch has been awarded two New York Foundation for the Arts grants and his work has been widely exhibited and collected by The Museum of Modern Art, The Bronx Museum, The Polaroid Collection, The Everson Museum of Art, Bibliothèque Nationale de France, Israel Museum, The Howard Stein Collection, The Library of Congress and the New Orleans Contemporary Arts Center, among others.

6. Upon information and belief, Irish is a limited liability company duly organized and existing under the laws of the State of Delaware with its principal place of business at 875 Avenue of the Americas, Suite 201, New York, NY 10001. Upon information and belief, Irish is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material hereto, Irish has operated and continues to operate a website at the URL: [www.IrishCentral.com](http://www.IrishCentral.com) (the "Website").

### **STATEMENT OF FACTS**

**A. Background and Plaintiff's Ownership of the Photograph**

7. On or about February 9, 2016, Hirsch photographed Jeremy Wilson in court after he pretended to be a United States Army veteran, a Microsoft executive, an undocumented Irish immigrant, a British Airways executive, and a Massachusetts Institute of Technology student as a scam to get money, an expensive home, and car. Wilson has faked twenty-seven different names in five states. Wilson maintains his real name is Jeremy Keenan, the offspring of Irish Republican Army leader Brian Keenan who organized the London bombing campaign in 1970's. After learning about Wilson's identity, his lawyer Eddie Hayes decided to no longer represent him in court because he is Irish and does not want to feel humiliated by the Irish community. The story was not only heavily covered by the press in New York, but also gained national attention. A true and correct copy of said photograph (the "Photograph") is attached hereto as Exhibit A (*Jeremy Wilson*).

8. Hirsch then licensed the Photograph to the New York Post. On February 9, 2016, the New York Post ran an article that featured the Photograph on its web edition entitled *Prominent Lawyer ditches 'Catch Me If You Can' wannabe*. See <http://nypost.com/2016/02/10/prominent-lawyer-ditches-catch-me-if-you-can-wannabe/> (last visited March 27, 2016). Hirsch's name was featured in a gutter credit identifying him as the photographer of the Photograph. A true and correct copy of the web edition of the article is attached hereto as Exhibit B.

9. Hirsch is the author of the Photograph and has all time been the sole owner of all right, title, and interest in and to the Photograph, including the copyrights thereto.

10. The Photograph was registered with the Copyright Office and was given Copyright Registration Number VA 1-996-315 (*Jeremy Wilson*), effective March 21, 2016.

**B. Defendant's Infringing Activities**

11. Upon information and belief, on or about February 18, 2016, Defendant ran an article on the Website entitled *IRA lovechild impersonating conman ditched by Ireland loving lawyer over embarrassment* (<http://www.irishcentral.com/news/IRA-lovechild-impersonating-conman-ditched-by-Ireland-loving-lawyer-over-embarrassment.html>) (last visited March 27, 2016). The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit C.

12. Defendant did not license the Photograph from Plaintiff for use in its article, nor did Defendant have Plaintiff's permission or consent to published the Photograph on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST IRISH)**  
**(17 U.S.C. §106, 501)**

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12.

14. Defendant infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Defendant is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by Defendant of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504 (b).

18. Alternatively, Plaintiff is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

19. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C § 502, Plaintiff is entitled to a permanent injunction prohibiting further infringement of Plaintiff's copyrights and exclusive rights under copyright.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Irish be adjudged to have infringed upon Plaintiff's copyright in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Defendant Irish, and their officers, directors, employees, agents, representatives, affiliates, subsidiaries, distributors, licensees, and all persons or entities acting in concert or participation with any Defendant, be enjoined from copying reproducing, distributing, adapting, or publicly displaying Plaintiff's Photograph.
3. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;

4. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
5. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
March 27, 2016

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